

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARIO R. RODAS PORTILLO,  
Plaintiff,  
v.  
CITY OF SHAFTER, et al.,  
Defendants.

Case No. 1:23-cv-00920-BAM

**ORDER DENYING PLAINTIFF'S  
MOTION FOR SERVICE OF PROCESS**

(Doc. 18)

Plaintiff Mario R. Rodas Portillo is a county jail inmate proceeding pro se and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. On July 27, 2023, the Court screened Plaintiff's original complaint and found that it failed to comply with Federal Rule of Civil Procedure 8 and failed to state a cognizable claim for relief. The Court granted Plaintiff leave to file an amended complaint within thirty (30) days. (Doc. 8.) Plaintiff filed his first amended complaint on August 23, 2023. (Doc. 9.)

On September 18, 2023, Plaintiff filed a "Notice of Submission of Documents." (Doc. 18.) Plaintiff indicates that he is submitting service documents in compliance with the Court's order of August 25, 2023. (*Id.*) However, the Court has not issued an order for service nor has it directed Plaintiff to submit service documents. The Court therefore construes Plaintiff's notice as a motion for service of process.

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1 As Plaintiff has been advised, the Court is required to screen complaints brought by  
2 prisoners seeking relief against a governmental entity or officer or employee of a governmental  
3 entity. 28 U.S.C. § 1915A(a). Plaintiff's amended complaint, or any portion thereof, is subject to  
4 dismissal if it is frivolous or malicious, if it fails to state a claim upon which relief may be  
5 granted, or if it seeks monetary relief from a defendant who is immune from such relief. 28  
6 U.S.C. § 1915A(b)(1), (2); 28 U.S.C. § 1915(e)(2)(B)(ii). Plaintiff's first amended complaint has  
7 not been screened and summons will not issue at this time. The Court will direct the United  
8 States Marshal to serve Plaintiff's first amended complaint only after the Court has screened the  
9 amended complaint and determined that it contains cognizable claims for relief against the named  
10 defendant(s). The Court will screen Plaintiff's first amended complaint in due course.  
11 Accordingly, Plaintiff's motion for service of process is HEREBY DENIED.

12  
13 IT IS SO ORDERED.

14 Dated: September 19, 2023

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE